



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,320	04/27/1999	JOHN ANDREW COOK	AT9-99-159	4309

7590 12/05/2002

DUKE W YEE
CARSTENS YEE & CAHOON LLP
PO BOX 802334
DALLAS, TX 75380

EXAMINER

HOOSAIN, ALLAN

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/300,320

Applicant(s)

COOK ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment C, 9/23/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,10-22 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,10-22 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Item 9, see 5/8/01 Office Action.

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-22, 25-30 and 32-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Logan et al.** (US 5,721,827).

As to claims 1,16, with respect to Figures 1 and 5-7, **Logan** teaches a method in a data processing system for processing voice messages, the method comprising the data processing system implemented steps of:

recording a voice message (Col. 12, lines 24-42);

responsive to recording of the voice message, automatically inserting an an indicator into a text message indicating a presence of a voice message (Col. 12, lines 55-67);

responsive to recording the voice message, automatically appending the voice message to the text message to form an appended voice message (Col. 12, line 64 through Col. 15, line 6);
and

sending the text message with the appended voice message (Col. 12, line 64 through Col. 15, line 16).

Art Unit: 2645

As to Claims 2,17, **Logan** teaches the method of claim 1 further comprising:

receiving the text message to form a received text message (Col. 12, lines 24-42);

parsing the received text message for a presence of an indicator indicating that the received text message is a voice message (Col. 12, lines 24-42); and

responsive to a presence of the indicator, presenting controls to listen to the voice message (Col. 12, lines 32-42).

As to Claims 3, 18 and 27, **Logan** teaches the method of claim 1, wherein the received text message is an electronic mail message (Col. 14, lines 64-67).

As to claims 4,19, **Logan** teaches the method of claim 1, wherein the indicator is a text string (Col. 11, lines 16-25).

As to Claims 5-7 and 20-22, **Logan** teaches the method of claim 1, wherein the data processing system is a personal computer (Col. 3, lines 1-5).

As to Claim 32, **Logan** teaches the method of claim 1, wherein the step of automatically inserting an indicator into a text message comprises inserting the indicator into a body of the text message (Col. 12, lines 24-32).

Art Unit: 2645

As to Claim 33, **Logan** teaches the data processing system of claim 16, wherein the inserting means comprises means for inserting the indicator into a body of the text message (Col. 12, lines 24-32).

As to Claim 10, with respect to Figures 1 and 5-7 , **Logan** teaches a method in a computer for receiving messages, the method comprising:

receiving a first text message including a custom message of a first type (Col. 10, lines 11-25);

parsing the first text message for an identifying string identifying a presence of a custom message associated with the first text message (Figure 6, label 435); and

responsive to the presence of the identifying string and responsive to selection of the text message, identifying the first type and presenting first controls to access the first custom message (Col. 10, lines 51-55);

receiving a second text message including a second custom message of a second type (Col. 10, lines 51-55 and Col. 11, lines 8-25);

parsing the second text message for an identifying string identifying a presence of a custom message (Col. 11, lines 26-35 and Figure 6, label 435); and

responsive to a presence of an identifying string in the second message, identifying the second type and presenting second controls to access the second custom message (Col. 11, lines 26-35 and Col. 17, lines 58-66).

Art Unit: 2645

As to Claims 11,26, **Logan** teaches the method of claim 12 wherein the first controls comprise controls for presenting the voice message (Col. 11, lines 26-35).

As to Claim 12, **Logan** teaches the method of claim 10, wherein the first custom message is a voice message and the second custom message is a stock trade (Col. 37, lines 26-35)..

As to Claims 13,28, **Logan** teaches the method of claim 12, wherein the first controls include a play control, back (a rewind control), and skip (a fast forward control) (Col. 14, lines 28-41).

As to Claims 14,29, with respect to Figures 1 and 5-7, **Logan** teaches a messaging system for use in a data processing system, the messaging system comprising:

- a graphical user interface, wherein the graphical user interface provides selections for user input to create and send voice messages (Col. 14, line 64 through Col. 15, line 6); and

- a message processing mechanism, wherein the message processing mechanism has a plurality of modes of operation including:

- a first mode of operation in which the message processing mechanism waits for a user input (Col. 12, lines 16-24);

- a second mode of operation, responsive to a user input in the first mode of operation to record a voice message, in which the message processing mechanism stores voice data in a file (Col. 12, lines 24-38);

Art Unit: 2645

a third mode of operation, responsive to a user input in the first mode of operation to select a recipient for the voice message, in which the message processing mechanism receives a selection of a recipient for the voice message (Col. 12, lines 32-38); and

a fourth mode of operation, responsive to a user input in the first mode of operation to send the voice message and to a presence of a recipient for the voice message, in which the message processing mechanism creates a text message, inserts an identifying string, identifies a presence of the voice message in the text message, appends the file to the text message, and sends the text message to the recipient (Col. 14, line 56 through Col. 15, line 12).

As to Claims 15,30, **Logan** teaches the messaging system of claim 14, wherein the message processing mechanism further includes:

a fifth mode of operation in which the message processing mechanism waits for a receipt of a text message (Col. 14, lines 56-64);

a sixth mode of operation, responsive to receiving a text message, in which the message processing mechanism parses the text message to determine whether an identifying string identifying a presence of a voice message is present (Col. 14, line 64 through Col. 15, line 16); and

a seventh mode of operation, responsive to a presence of the identifying string, in which the message processing mechanism causes the graphical user interface to display the message as a voice message in a message list (Col. 11, lines 8-25).

Art Unit: 2645

As to Claim 25, with respect to Figures 1 and 5-7, **Logan** teaches a data processing system for receiving messages, the data processing system comprising:

first receiving means for receiving a first text message including a first custom message of a first type (Col. 10, lines 11-25);

first parsing means for parsing the first text message for an identifying string identifying a presence of a custom message associated with the first text message (Figure 6, label 435);

first displaying means, responsive to the presence of an identifying string in the first text message, for identifying the first type and presenting first controls to access the first custom message (Col. 10, lines 51-55);

second receiving means for receiving a second text message including a second custom message of a second type (Col. 10, lines 51-55 and Col. 11, lines 8-25);

second parsing means for parsing the second text message for an identifying string identifying a presence of a custom message (Figure 6, label 435); and

second interface means, responsive to a presence of an identifying string in the second message, for identifying the second type and presenting second controls to access the second custom message (Col. 11, lines 26-35 and Col. 17, lines 58-66).

Response to Arguments

3. Applicant's arguments filed 9/23/02 have been fully considered but they are not persuasive because of the following:

(a) Logan Col. 12, line 55 through Col. 13, line 2 fails to suggest appending a voice message to a text message.

Art Unit: 2645

Examiner respectfully disagrees. This is because Examiner cited Col. 12, line 64 through Col. 15, line 16. At Col. 14, lines 42-55 Logan teaches recording bookmarks (voice messages) as attachments to email messages (text messages). At Col. 14, line 64 through Col. 15, line 13, Logan also teaches bookmarks or annotations (voice messages) that are attachments to email messages (text messages).

(b) Logan fails to teach or suggest automatically inserting an indicator into a text message indicating a presence of a voice message.

Examiner respectfully disagrees for the same reasons given in (a). In addition, Logan teaches that bookmarks are inserted at predetermined positions (Col. 14, lines 56-64).

(c) Claims 1, 16 and 29 are allowable because Logan does not teach the limitations as argued in (a) and (b) above.

Examiner respectfully disagrees for the same reasons given in (a) and (b) above.

(d) Claims 2-7, 17-22, 30, 32 and 33 are allowable because of their dependencies on Claims 1 and 16.

Examiner respectfully disagrees for the same reasons given in (a) and (b).

(e) With respect to Claims 32 and 33, Logan fails to teach inserting the indicator into a body of the text message.

Examiner respectfully disagrees. This is because Logan teaches that the bookmarked program segment and the annotation are saved as a unit. Therefore, the indicator is within the body of the email message as argued by Examiner in (a) and (b). At Col. 14, lines 45-52, Logan teaches that the bookmark annotations are keyed to program segments by records (text messages) in a log file. See also Col 14, lines 45-52 and Figure 5.

Art Unit: 2645

(f) With respect to Claim 10, Logan does not teach the claimed limitations.

This is because the cited passage at Col. 10, lines 11-25 teaches that passwords and encryption enables a subscriber to access and modify future and current program selections. Therefore, the programs which a subscriber receives are custom messages. In addition, the menu which is played or displayed to a subscriber identifies the program selections. Thus, and as discussed above program selections can be emails which have voice annotations. Therefore, Figure 6 teaches the receiving of emails with voice annotations which are parsed for playback.

(g) With respect to claims 10 and 25, Logan fails to teach or suggest receiving two text messages of two different types.

Examiner respectfully disagrees. This is because Logan teaches that custom messages can be dictated (voice) or keyed (text) (Col. 14, lines 56-60).

(h) Claims 11-13 and 26-28 are allowable because of their dependencies on claims 10 and 25.

Examiner respectfully disagrees because of the same reasons given in (f) and (g) above. In addition, and as taught at Col. 37, lines 26-35, custom messages can be voice messages or stock trades.

(i) Claims 14, 15 and 29 are allowable because they recite similar features as claims 1-7 and 10-13.

Examiner respectfully disagrees for the same reasons given in the rejections of the claims in the 6/19/02 Office Action.

(j) The Office Action cites seemingly arbitrary portions and it is not clear how cited passages equate to the claimed "modes" of operation.

Art Unit: 2645

Examiner believes that the disclosure is not helpful in identifying these claimed "modes".

Examiner will appreciate if Applicants can identify the modes and Examiner will show

Applicants the corresponding teachings of Logan that equates to the modes.

(k) Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaPorta et al. (US 6,014,429) teach receiving customized stock transactions in wireless messaging system.

Gerszberg et al. (US 6,377,664) teach a video answering machine that receives customized announcements.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2645

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

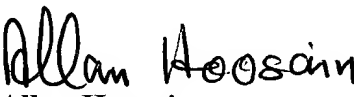
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
11/27/02